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U. S. Department of Agriculture

AMENDING REGULATIONS ON MIGRATORY GAME BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of Agriculture, by virtue of the authority vested in him by section 3 of the Migratory Bird Treaty Act (40 Stat. 755; U. S. C., title 16, secs. 703-711), has submitted to me for approval regulations further amendatory of the regulations approved and proclaimed July 31, 1918, which the Secretary of Agriculture has determined to be suitable amendatory regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, and export of migratory birds and parts thereof and their nests and eggs, as follows:

Regulation 3, "Means by Which Migratory Game Birds May Be Taken", is amended to read as follows:

REGULATION 3.—MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN

The migratory game birds specified in regulation 4 hereof may be taken during the open season with a shotgun only, not larger than no. 10 gage, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 hereof, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells the magazine of which has not been cut off, or plugged with a 1-piece metal or wooden filler incapable of removal through the loading end

thereof, so as to reduce the capacity of said gun to not more than three shells at one loading; they may be taken during the open season from the land or water, with the aid of a dog, and from a blind, boat, or floating craft of any kind, except as hereinafter provided, not more than 100 feet from the shore line as determined by ordinary high water or, where there is natural growth or vegetation existing beyond such shore line, not more than 100 feet from such growth or vegetation protruding above the surface of the water at the time of taking such birds, except that scoters (sea coots) may be taken in coastal waters without reference to such distance limitation; but migratory game birds are not permitted to be taken from or by aid of an automobile, airplane, sinkbox (battery), power boat, sailboat, any boat under sail, any floating craft or device of any kind towed by power boat or sailboat.

Waterfowl (except those taken under permit for propagation pursuant to regulation 8 of these regulations) and mourning doves are not permitted to be taken with or by aid of corn, wheat, oats, or other grain or products thereof, salt, or any kind of feed by whomsoever, or for whatsoever purpose, placed, deposited, distributed, scattered, or otherwise put out in any environment whatsoever, whereby such waterfowl or doves are lured, attracted, or enticed to the hunter; and in the taking of waterfowl the use, directly or indirectly, of live duck or goose decoys is not permitted; nor shall anything in these regulations be deemed to permit the use of an airplane, power boat, sailboat, or other floating craft or device for the purpose of concentrating,

driving, rallying, or stirring up migratory waterfowl.

The first paragraph and the two subtitles prescribing open seasons on "Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), Wilson's snipe or jacksnipe, and coot", and "Doves" of Regulation 4 "Open Seasons on and Possession of Certain Migratory Game Birds", are amended to read as follows:

REGULATION 4---OPEN SEASONS ON AND POSSESSION OF
CERTAIN MIGRATORY GAME BIRDS

Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), coot, and Wilson's snipe or jacksnipe, may be taken each day from 7:00 a.m. to 4:00 p.m., standard time, and rails (other than coot), woodcock, mourning doves and band-tailed pigeons from 7:00 a.m., standard time, to sunset each day, during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 hereof, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State, Territory, or District during the period constituting the open season where killed and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State, Territory, or District at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established

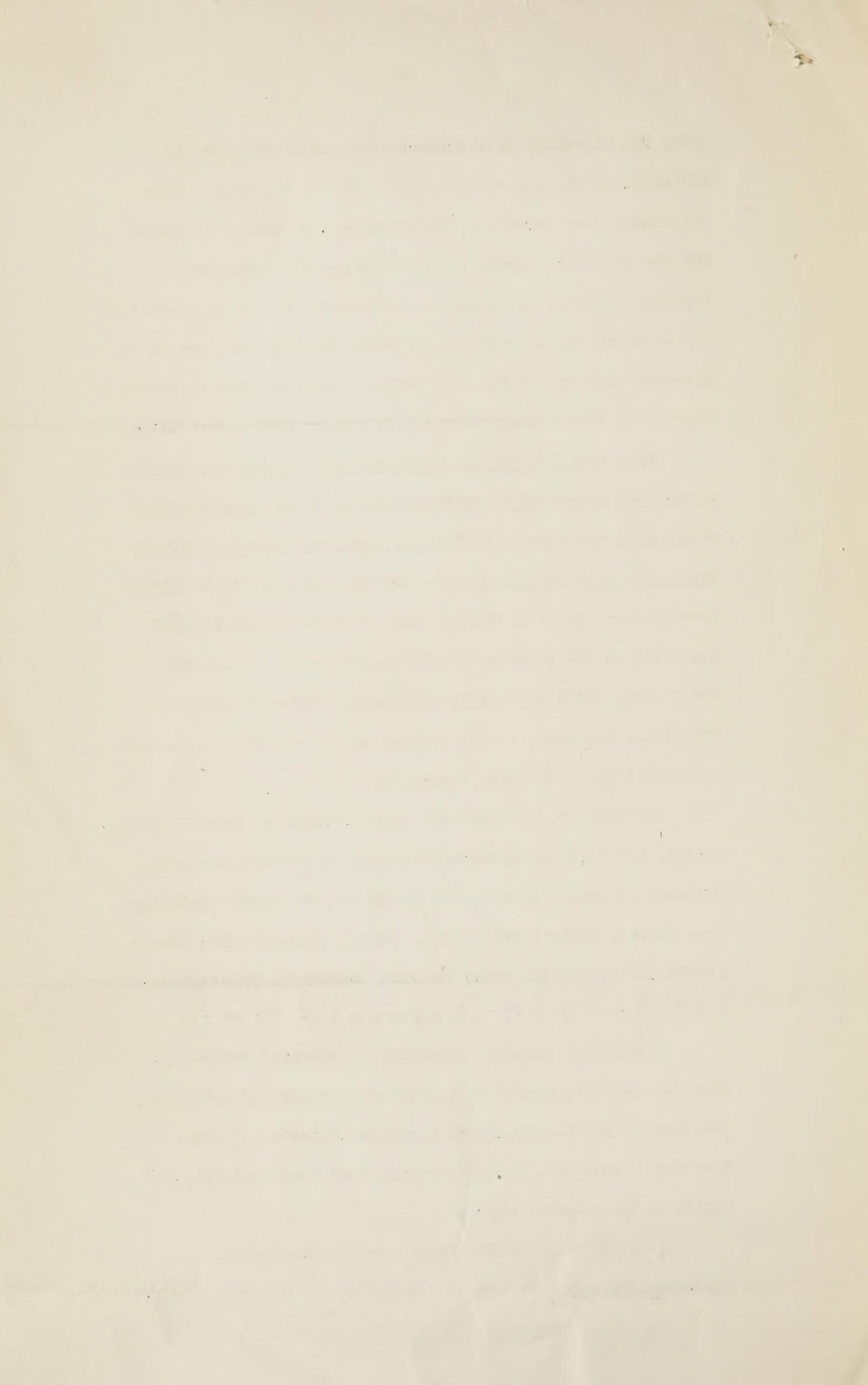
under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding grounds, or refuge except insofar as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), Wilson's snipe or jacksnipe, and coot.--The open seasons for waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New York, including Long Island, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Wisconsin, Washington, and Wyoming, October 21 to November 19;

In Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, November 20 to December 19; and

In Alaska west of the 141st meridian, September 1 to September 30, and east thereof, September 20 to October 19.



Doves.--The open seasons for mourning doves shall be as follows, both dates inclusive:

Illinois, Missouri, Minnesota, South Dakota, Nebraska, Kansas, Colorado, Utah, Nevada, Idaho, and Oregon, September 1 to December 15; and

Delaware, Maryland, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California, September 21 to January 5.

AND WHEREAS upon consideration it appears that approval of the foregoing amendatory regulations will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act and result in reducing the annual kill of migratory game birds;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendatory regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27th day

of August, in the year

of our Lord nineteen

hundred and thirty

five, and of the

[SEAL]

Independence of

the United States

of America the one

hundred and sixtieth.

FRANKLIN D. ROOSEVELT.

By the President

CORDELL HULL.

Secretary of State.

